

House File 545 - Introduced

HOUSE FILE 545

BY WOLFE

A BILL FOR

- 1 An Act relating to minimum sentences for certain felonies
- 2 and parole and work release eligibility, and providing
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901.11, Code 2019, is amended to read as
2 follows:

3 **901.11 Parole or work release eligibility determination —**
4 **~~certain drug, child endangerment, and robbery~~ felony offenses.**

5 1. At the time of sentencing, the court shall determine
6 when a person convicted under section 124.401, subsection
7 1, paragraph "b", shall first become eligible for parole
8 or work release within the parameters described in section
9 124.413, subsection 3, based upon all the pertinent information
10 including the person's criminal record, a validated risk
11 assessment, and the negative impact the offense has had on the
12 victim or other persons.

13 2. At the time of sentencing, the court shall determine
14 when a person convicted of ~~child endangerment as described in~~
15 section 902.12, subsection 2 any of the felonies described in
16 section 902.12, shall first become eligible for parole or work
17 release within the parameters specified in section 902.12,
18 ~~subsection 2~~, based upon all pertinent information including
19 the person's criminal record, a validated risk assessment, the
20 negative impact the offense has had on the victim or other
21 persons, and whether the offense involved multiple intentional
22 acts or a series of intentional acts, or whether the offense
23 involved torture or cruelty.

24 ~~3. At the time of sentencing, the court shall determine when~~
25 ~~a person convicted of robbery in the second degree as described~~
26 ~~in section 902.12, subsection 3, shall first become eligible~~
27 ~~for parole or work release within the parameters specified~~
28 ~~in section 902.12, subsection 3, based upon all pertinent~~
29 ~~information including the person's criminal record, a validated~~
30 ~~risk assessment, and the negative impact the offense has had~~
31 ~~on the victim or other persons.~~

32 Sec. 2. Section 902.12, Code 2019, is amended to read as
33 follows:

34 **902.12 Minimum sentence for certain felonies — eligibility**
35 **for parole or work release.**

1 ~~1.~~ A person serving a sentence for conviction of the
2 following felonies, including a person serving a sentence for
3 conviction of the following felonies prior to July 1, 2003
4 2019, shall be denied parole or work release ~~unless the person~~
5 ~~has served at least seven-tenths of the maximum term of the~~
6 ~~person's sentence~~ until the person has served between one-half
7 and seven-tenths of the maximum term of the person's sentence
8 as determined under section 901.11, subsection 2:

9 ~~a.~~ 1. Murder in the second degree in violation of section
10 707.3.

11 ~~b.~~ 2. Attempted murder in violation of section 707.11,
12 except as provided in section 707.11, subsection 5.

13 ~~c.~~ 3. Sexual abuse in the second degree in violation of
14 section 709.3.

15 ~~d.~~ 4. Kidnapping in the second degree in violation of
16 section 710.3.

17 ~~e.~~ 5. Robbery in the first or second degree in violation of
18 section 711.2 or 711.3, ~~except as determined in subsection 3.~~

19 ~~f.~~ 6. Vehicular homicide in violation of section 707.6A,
20 subsection 1 or 2, if the person was also convicted under
21 section 321.261, subsection 4, based on the same facts or
22 event that resulted in the conviction under section 707.6A,
23 subsection 1 or 2.

24 ~~2.~~ 7. ~~A person serving a sentence for a conviction of child~~
25 Child endangerment as defined in section 726.6, subsection
26 1, paragraph "b", that is described and punishable under
27 section 726.6, subsection 4, ~~shall be denied parole or work~~
28 ~~release until the person has served between three-tenths and~~
29 ~~seven-tenths of the maximum term of the person's sentence as~~
30 ~~determined under~~ section 901.11, subsection 2.

31 ~~3.~~ ~~A person serving a sentence for a conviction for~~
32 ~~robbery in the second degree in violation of section 711.3~~
33 ~~for a conviction that occurs on or after July 1, 2016, shall~~
34 ~~be denied parole or work release until the person has served~~
35 ~~between one-half and seven-tenths of the maximum term of~~

1 ~~the person's sentence as determined under section 901.11,~~
2 ~~subsection 3.~~

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to minimum sentences for certain felonies
7 and parole and work release eligibility, and provides
8 penalties.

9 Under current Code section 902.12, a person shall be denied
10 parole or work release until at least seven-tenths of the
11 maximum term of the person's sentence is served for convictions
12 of murder in the second degree, attempted murder not involving
13 a peace officer, sexual abuse in the second degree, kidnapping
14 in the second degree, robbery in the first degree, robbery in
15 the second degree occurring before July 1, 2016, and vehicular
16 homicide where a person failed to remain at the scene of the
17 accident. Current law also requires that a person convicted
18 of child endangerment resulting in the death of a minor child
19 shall be denied parole or work release until the person has
20 served between three-tenths and seven-tenths of the maximum
21 term of the person's sentence, and that a person convicted of
22 second degree robbery that occurred on or after July 1, 2016,
23 shall be denied parole or work release until the person has
24 served between one-half and seven-tenths of the maximum term of
25 the person's sentence.

26 The bill amends current law to provide that a person serving
27 a sentence for a conviction, including a person serving a
28 sentence for a conviction prior to July 1, 2019, for any of
29 the following felonies shall be denied parole or work release
30 until the person has served between one-half and seven-tenths
31 of the maximum term of the person's sentence as determined
32 under Code section 901.11(2): murder in the second degree;
33 attempted murder, except attempted murder against a peace
34 officer; sexual abuse in the second degree; kidnapping in the
35 second degree; robbery in the first or second degree; vehicular

1 homicide when the person unintentionally causes the death of
2 another by operating a motor vehicle while intoxicated, when
3 the person unintentionally causes the death of another in a
4 reckless manner with willful or wanton disregard for the safety
5 of persons or property, or when the person unintentionally
6 causes the death of another when eluding or attempting to elude
7 a pursuing law enforcement vehicle if the death of the other
8 person directly or indirectly results from the violation and if
9 the person was also convicted of failing to remain at the scene
10 of an accident that resulted in the death of another person;
11 and child endangerment that resulted in the death of a child or
12 minor.

13 The bill provides that at the time of sentencing, the court
14 shall determine when a person convicted of any of the felonies
15 described in Code section 902.12 shall first become eligible
16 for parole or work release within the parameters specified
17 in Code section 902.12, based upon all pertinent information
18 including the person's criminal record, a validated risk
19 assessment, the negative impact the offense has had on the
20 victim or other persons, and whether the offense involved
21 multiple intentional acts or a series of intentional acts, or
22 whether the offense involved torture or cruelty.